

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:06CR166-P-B

ANTHONY HOWARD,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's fourth motion for a continuance of trial [25-1]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for May 15, 2007. The court recently denied defense counsel's motion to withdraw as counsel due to the defendant's lack of cooperation while free on bond. In the same order the court warned the defendant that if he fails to further cooperate with his court-appointed counsel, his bond will be revoked. In the instant motion, defense counsel avers that he needs additional time to consult with the defendant given the defendants lack of cooperation. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from May 15, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Motion for Continuance [25-1] is hereby **GRANTED**;

(2) Trial of this matter is continued until Monday, July 2, 2007 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from May 15, 2007 to July 2, 2007 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is June 11, 2007; and

(5) The deadline for submitting a plea agreement is June 18, 2007.

SO ORDERED this the 9th day of May, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE